

Before the
Federal Communications Commission
Washington, D.C. 20554

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OCT 16 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
(Las Vegas and Rowe, New Mexico))

MM Docket No. 00-155
RM-9924

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**COMMENTS OF PETITIONER
MEADOWS MEDIA, LLC**

1. Meadows Media, LLC ("Meadows") is the permittee of FM radio broadcast station KTRL, Channel 275C2, Las Vegas, New Mexico. By a Petition for Rule Making ("*Petition*") filed June 23, 2000, Meadows has requested the substitution of Channel 275C3 at Rowe, New Mexico for Channel 275C2 at Las Vegas so as to permit modification of the construction permit for KTRL to specify operation on Channel 275C3 at Rowe.

2. On August 25, 2000, the Commission released its Notice of Proposed Rule Making (MM Docket No. 00-155, RM-9924) ("*Notice*"), contemplating amendment of the FM Table of Allotments to substitute the allotment of Channel 275C3 at Rowe for Channel 275C2 at Las Vegas, New Mexico. In the *Notice*, the Commission requested comments from the public on its proposal. These comments are responsive to that request.

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3. Meadows, as the proponent of the Rowe allotment, herewith resubmits and incorporates by this reference its statements set forth in its *Petition* and the attachments thereto.

4. In the *Notice*, the Commission requested additional information regarding the status of Rowe as a community for allotment purposes. The Commission stated that it was particularly interested in information regarding any school, library, shopping center, fire department or social or civic organizations. *Notice* at ¶ 6.

5. Rowe is the home of the Native American Preparatory School, a school with over 100 faculty and students. The school's location at Rowe is confirmed by the brochure from the school which was attached to the *Petition*.

6. Although Rowe does not have its own public library, the existence of a local library has never been held to be the *sine qua non* of community status. See *Kenansville, Fla.*, 10 FCC Rcd 9831 (Comm. 1995). Library services are available in Rowe, however, as the State mobile library visits Rowe every two weeks.

7. Shopping is available for almost all necessary household items, including groceries, gasoline and propane at Ilfeld's store, which is located at the southern edge of Rowe. A photograph of the store and the surrounding vicinity is attached as Exhibit A. Its location is marked in Exhibit D.

8. The limited nature of shopping facilities in Rowe at present does not provide a valid basis with which to provide Rowe with its own radio station allotment. Rather, this

is one of the reasons for which Rowe needs its own radio station. Without a local medium of mass communications, the development of the business community has been hobbled. In the past, no radio station has been focused on the need for local businesses to publicize their existence and provide potential customers with information as to items available for purchase and services rendered there. Allotment of Channel 275C3 to Rowe will allow KTRL to assist tremendously with the promotion of new shopping venues and other businesses in Rowe.

9. Rowe is part of the Rowe-Ilfeld Volunteer Fire Department (and District) with approximately 30 fire fighters available. The engines are presently housed along the frontage road east of Rowe. However, San Miguel County Fire Marshall Clive Huggins has advised Meadows that the County will soon begin construction on a new and separate firehouse in Rowe (see enclosed map).

10. Mr. Huggins reports that 136 people signed a petition that was circulated in Rowe earlier this year for the establishment of a separate fire station. Mr. Huggins estimates that this represents no more than about a third of the population of the community as other Rowe residents either were not at home or were unwilling to sign it. The number of signatures on the petition is another indication that the population of Rowe is closer to the post mistress' estimate of 500-600 people than the Rand McNally estimate of 250 people.

11. Among the community organizations in Rowe is the Rowe Water Users Association. This association oversees the provision of drinking water to the community.

12. Another local group is the Rowe Landfill Association. With labor from local

volunteers and the Youth Conservation Corps, the Rowe Landfill Association completed an 8 acre city park this past summer, including playground equipment, a basketball court, a baseball field, an exercise trail, and other amenities. One acre of this facility will be devoted to the planned fire station. This project clearly shows that Rowe perceives of itself as a community. A copy of the newspaper report on this development is attached hereto as Exhibit B.

13. In the *Notice* at ¶ 6, the Allocations Branch requested information to verify that Sagrada Familia Rowe Holy Catholic Church is located in Rowe. In fact, the church is located in the heart of Rowe, with numerous homes surrounding the church. The location of the church is detailed on the map attached hereto as Exhibit C. A copy of the same map, annotated to identify the major roadways and other features, forms Exhibit D hereto. The church has no “address” within Rowe at this time. The church is well enough known not to require an address.

14. San Miguel County, the county, in cooperation with the U.S. Postal Service, is in the process of issuing all homes and businesses in Rowe with formal street addresses. The map attached hereto as Exhibit C shows that all streets in Rowe have assigned names.

15. In truth, the community is sufficiently close-knit to render the need for addresses less than compelling. For example, everyone in Rowe knows where the church is. Moreover, if the church attracts worshipers from outlying areas, that is a greater indication of community status. *See Semora, N.C.*, 5 FCC Rcd 934 (1990), *Kenansville*, *supra* at ¶ 15.

16. Because addresses are not needed as much as they would be in a less closely-knit community, mail delivery is to post office boxes. That will change when the street address project is completed early in 2001. The assignment of addresses is another piece of evidence of the continual growth of Rowe.

17. As indicated in the Meadows *Petition*, the population estimates of Rowe's postmistress are likely to be an accurate representation of the population of Rowe. This is because of the rough and arid terrain of this part of the West. In New Mexico, population is concentrated in the valley settlements where water is available. Water is available in Rowe but is less plentiful (if available at all) in the surrounding mesas and mountains. The vast majority of the people who have boxes at the Rowe post office therefore live in Rowe as opposed to the outlying areas. This point is illustrated by the attached map, which shows only a very few dwellings in the rural area outside Rowe. Exhibit A, and the photographs supplied with the petition, also reflect that the surrounding mountains have few if any homes.

18. In addition to the above indicia of community, the direct testimony of Rowe resident Juanita Sandoval, attached hereto as Exhibit E, demonstrates that citizens of Rowe consider themselves a part of the Rowe community, and not as part of some larger adjoining community. "Rowe" is their home and their community. It is much more than the name for a mapped location.

19. Rowe therefore meets the standard for allotment of an FM channel, as it is "a geographically identifiable population grouping" and, hence, is a community for purposes

of Section 307(b). *See Beacon Broadcasting*, 2 FCC Rcd 3469 (Comm. 1987); affirmed 2 FCC Rcd 7562 (Comm 1987). Moreover, the standard for “community” status is neither rigid nor stringent. *See Seven Locks Broadcasting Co.*, 37 FCC 82, 84 (1964); *Beacon Broadcasting*, ¶ 12.

20. In the *Notice*, the Allocations Branch acknowledged that the proposed change in the table of allotments will result in a significant gain in total possible listeners served. Nevertheless, the *Notice* observed that 974 people “will remain underserved with only one aural service.” Meadows Media assumes that the referenced service is either FM radio broadcast station KLVF or FM radio broadcast station KBAC, Las Vegas, New Mexico. Both stations cover a greater area than would KTRL, based on the facilities which its present construction permit allow. Thus, the 974 people cited by the Branch in the *Notice* should have at least two FM services other than KTRL.

21. The attached engineering materials show the predicted 60 dBu signal contours for KTRL as presently permitted on Channel 275C2, Las Vegas. Since the release of the *Notice*, Station KMDZ has begun broadcasting from Las Vegas. (The application for a license to cover the permit for construction of KMDZ was filed September 14, 2000.) The 60 dBu coverage of Station KMDZ is greater in all directions than the predicted 60 dBu coverage that would have been provided by KTRL if it were licensed to Las Vegas. Station KMDZ thus evidently provides a third aural service to the 974 persons who will not be served by KTRL when KTRL’s channel is allocated to Rowe.

22. In addition, Sangre de Cristo Broadcasting, licensee of KNMX and KMDZ, Las Vegas, has filed a Petition for Rule Making to assign Channel 224A to Las Vegas, thus providing yet another FM channel for any unserved or underserved listeners.

23. Finally, Meadows notes that Station KNMX provides 24 hour AM service to Las Vegas. Meadows submits that circumstances have changed since the release of the *Notice* and that the 974 persons of concern to the Commission are now able to receive at least two broadcast stations.

24. Meadows hereby reconfirms its intention to build station KTRL promptly on Channel 275C3 in Rowe once the change in allotments is granted.

25. In view of the foregoing, Meadows urges the Commission to issue a Report and Order effectuating the proposed allotment of Channel 275C3 to Rowe, New Mexico as its first local aural service.

Respectfully submitted,

MEADOWS MEDIA, LLC

By: _____

Barry D. Wood
Paul H. Brown

WOOD, MAINES & BROWN,
CHARTERED
1827 Jefferson Place, NW
Washington, DC 20036

Its counsel

Dated: October 12, 2000



EXHIBIT A



Photos by Shawn Poynter/The New Mex

Eric Ortiz, 15, center, teases 16-year-old Felicia Vigil on Wednesday by putting his hands in front of her welding mask at Pecos High School as Leon Gallegos, 15, right laughs. The teens are part of the Youth Conservation Corps and are welding a gate for a new park in Rowe.

BEAUTY *from the* DUMP

By STACI MATLOCK
The New Mexican

ROWE — An old dump in Rowe is gaining new life as a community park, thanks to a three-year effort by local residents and a bunch of hard-working teen-agers.

Almost gone or covered over are two decades worth of trash and weeds. The park will feature a basketball court, baseball field, playground, picnic area and a one-mile long fitness trail when it is completed.

Victor Ortiz Jr., a Rowe resident and job specialist with the state Department of Labor, has written four different grants seeking funds from the Youth Conservation Corps. Three were funded. The money is awarded through the New Mexico Energy, Minerals and Natural Resources Department.



Members of the Youth Conservation Corps watch James Tanuz, center, who teaches technology education at Pecos High School, demonstrate a weld.

Work on the eight-acre park began in 1998 with a \$35,000 grant Ortiz garnered from the state.

Augustin Ruiz, a Pecos native, headed up the crew of

seven teen-agers that year. They put in a cement basketball court and goals, a gravel parking lot and built a *horno*, an adobe oven.

"Mostly we picked up trash,"

Ruiz said. "We made adobes a week and put up a lot of fencing."

Last year, the park project lost out on funding.

This year, the project was awarded \$53,000 to hire teen-agers for the crew. Ruiz as crew leader again. The youths are paid \$7 an hour. Ruiz, 22, said he expects them to earn it. They are expected to show up promptly at 6:30 a.m. every weekday morning and finish at 3 p.m.

The group of mostly 15-year-old sophomores from Pecos High School includes two girls. Felicia Vigil of Pecos is the only 16-year-old and was part of the first park crew. She said she enjoys the work. "And I got a good tan," she quipped while shouldering a rake.

Rowe resident Manuel Muñoz, 15, said he doesn't ca

Please see **PARK**, Page E

for the weed-pulling, but he sure likes the paychecks. For most of the teens, it is their first real paying job.

Other crewmembers working on the park this year include: Thomas Garcia, Leon Gallegos, Greg Ortiz, Eric Ortiz and Andrea Varela, all of Rowe; Jonathan Rodriguez and Joel Rodriguez of Ilfield; and Ricky Baca of San Juan.

Ortiz also worked with the Pecos Independent Schools and the village of Pecos to get a

\$33,000 grant for renovating the high school baseball field. Another crew of eight local teen-agers are working on that project.

The park land is owned by the Rowe Landfill Association. As a dump, it consisted of only a couple of long trenches, limited to household waste, Ortiz said. A volunteer board of directors managed the dump. As the federal and state requirements for landfills tightened up in the early 1990s, it became more than a handful of volunteers could handle, Ortiz said. With help from the county, the trenches

were closed in 1996 and covered with more than a foot of top soil.

The idea of a park was born.

Local businesses like Duran Sand and Gravel donated material, machinery and expertise to clean up the site. "We had a lot of community help that first summer, almost every Saturday," Ortiz said.

More Saturday clean-up days are planned this summer and the community will be invited to pitch in, Ortiz said.

Pecos schools donated old playground equipment. Actor Val Kilmer donated a two-story

wooden playhouse.

Eventually, the park might house the Rowe Volunteer Fire Department. The Rc Landfill Association is in

process of donating an acre to the fire department, Ortiz said.

A caretaker who can watch over the park might also be the works, Ortiz said. In meantime, it will be up to community.

"I hope people will respect what we will have there," C said. "These kids have worked really hard on it and it is going to be really nice."

EXHIBIT B-2

Nonames10_10.shp

City.shp

• All_addresses.shp

• Pecos_addresses.shp

Drives.shp

County.shp

Railways.shp

Water.shp

ROWE, N.M.

CABALLO LN

CAMINO SIN NOMBRE RD

CAMINO ESPECIAL RD

LEYBA LN

CAMINO ESPEJO RD

ROWE CONNECTION
CIRILO LOOP

BRITTON LN

RAILROAD LN

CAMINO FESTIVA LN

LAZY T RANCH RD

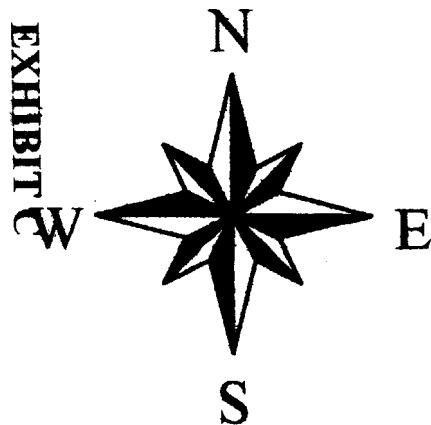
CAMINO SALAVANDIAS DR

ROWE CATHOLIC CHURCH

ROWE POST OFFICE

SAGRADA FAMILIA LN

CAMINO IGLESIA LOOP



PREPARED BY
SANTO MIGUEL COUNTY
PLANNING & ZONING
OFFICE

ROWE, N.M.

0.7

0

0.7

1.4 Miles

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City.shp

- All_addresses.shp

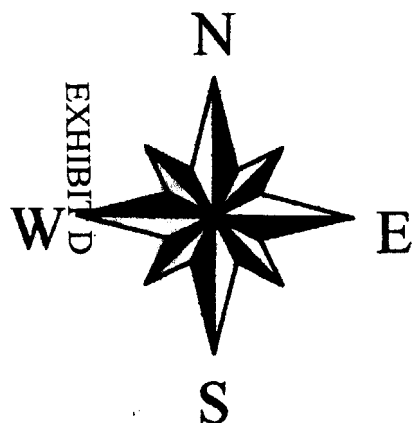
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Drives.shp

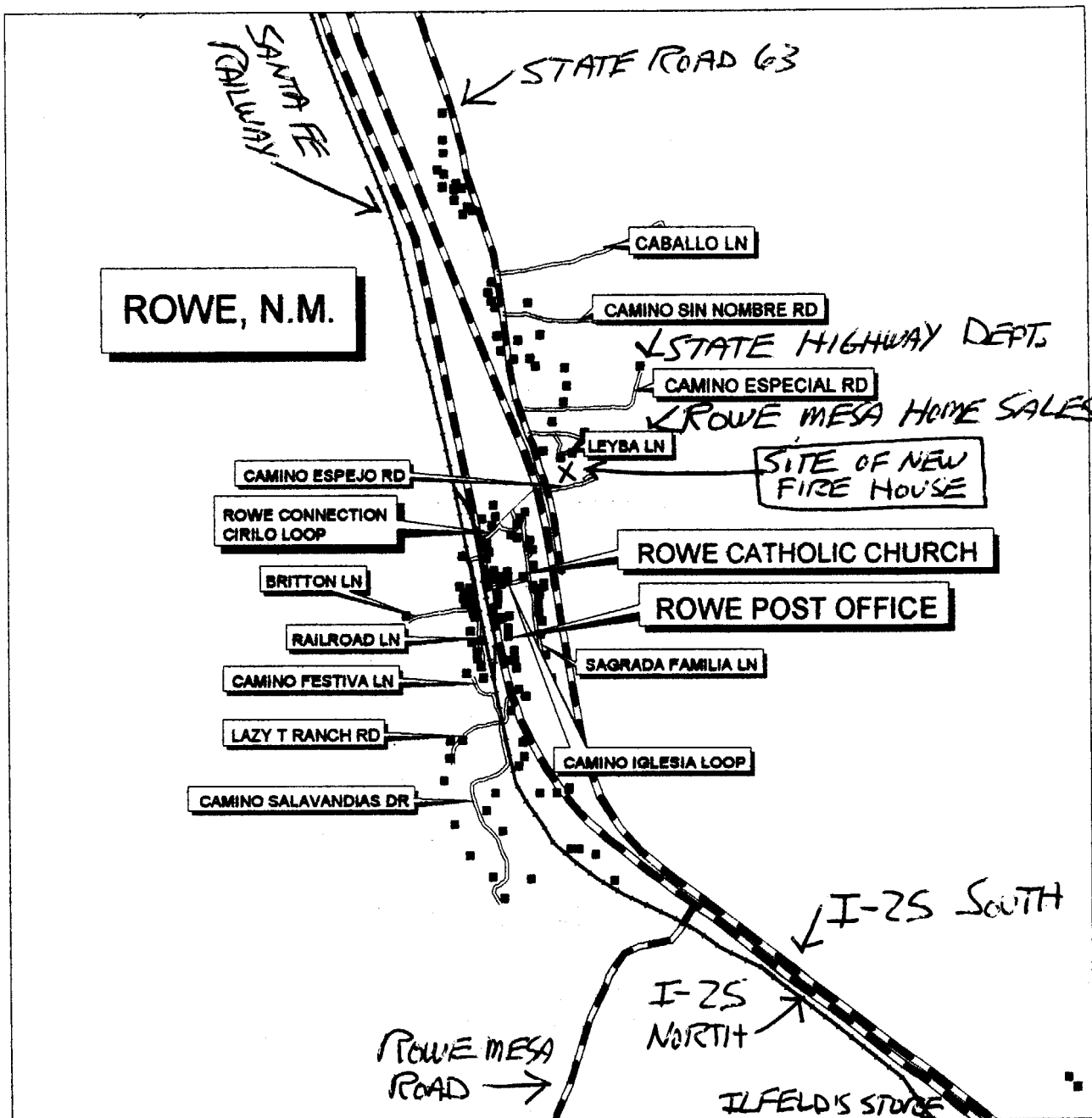
County.shp

Railways.shp

Water.shp



APPROVED BY
SARAH J. HENRY



ROWE, N.M.

0.7 0 0.7 1.4 Miles

Juanita Sandoval
P.O. Box 154
Rowe, NM 87562-0154

People in Rowe are
'peaceful', 'mind your own
business, mostly'. But com-
munity comes together for
precise needs... to keep
our place peaceful
and rural.

We worship together,
we celebrate together,
we mourn together...

I guess you could
say, we're family—
and families make
communities. My family
and I love Rowe!

Rowe: R	} ☺	Juanita
our: O		Sandoval
wonderful: W		P.O. Box 154
Eden: E		Rowe NM 87562

EXHIBIT E